

**Summary of Public Comments**  
**Presented at a**  
**Scoping Meeting to Present and Receive Public Input on the**  
**Elements of a Project for Development of a Draft Proposed**  
**Mixing Zone Policy and Technical Support Document**  
**Conducted on February 23, 2005**  
**And Preliminary Responses to the Comments**

- Comment:** An effective mixing zone policy will require an extensive RWB enforcement program.  
**Submitted by:** Don McEnhill, Friends of the River  
Brenda Adelman, Russian River Watershed Protection Committee  
Kenneth Wikle, President of Russian River Advocates  
Victoria Wikle
- Response:** The adoption of SIP in May 2000 resulted in additional responsibilities for RWB staff as well as NPDES permittees. In addition, there will be increased demands on RWB staff to initially review a report of waste discharge that contains an application for a mixing zone. To provide RWB staff with initial guidance, the Project Schedule for the Development of a Draft Proposed Mixing Zone Policy includes the development of a Technical Support Document that will be both consistent with SIP and specific to the implementation of a mixing zone policy in the North Coast Region. SIP states that RWBs may consider allowing mixing zones on a discharger-by-discharger basis. Defining parameters for prohibiting or allowing a mixing zone in a policy will provide guidance for all concerned and impacted interests.
- Comment:** There are documented impacts to salmonids at pollutant concentrations that are lower than current standards set forth by CTR/SIP.  
**Submitted by:** Don McEnhill, Friends of the River  
**Response:** Section 1.4.2.2 in SIP requires that certain conditions must be met in allowing a mixing zone. One of the conditions is that a mixing zone shall not adversely impact biologically sensitive or critical habitats, including, but not limited to, habitat of species listed under federal or State endangered species laws.
- Comment:** The presence of copper in the water intakes for the Sonoma County Water Agency and in stormwater, are a concern when considering a policy on mixing zones. The reported copper concentration in a sample taken from the Millview Water District showed the

presence of dissolved copper at a concentration of 2.3 mg/l and that dissolved copper concentrations in discharged effluent are much higher.

**Submitted by:** Don McEnhill, Friends of the River.

**Response:** Copper is a constituent of concern in the North Coast Region. Prior to making a recommendation regarding the discharge of copper in a mixing zone, RGS staff will research the physical treatment technologies for copper removal.

**Comment:** The approval of mixing zones may trigger the consultation process under Section 7 of the Endangered Species Act.

**Submitted by:** Don McEnhill, Friends of the River

**Response:** This is entirely possible.

**Comment:** The RWB will need to coordinate any proposal for a mixing zone policy with the current proposal of the Sonoma County Water Agency to implement a low-flow policy in the Russian River.

**Submitted by:** Vesta Copestakes, West County Gazette

Victoria Wikle

**Response:** Receiving water flows will definitely be a factor when considering a mixing zone. Current Basin Plan prohibitions do not allow the discharge of wastewater to the Russian River during the period May 15 to October 1. This prohibition is likely to apply also to a discharge to a mixing zone. The low-flow policy proposal of the Sonoma County Water Agency would likely decrease river flows in the dry period of the year, when the prohibition of waste discharge applies.

**Comment:** The concept for a mixing zone goes counter to efforts to improve water quality.

**Submitted by:** Joan Reback

**Response:** We concur that the concept of a mixing zone has a very bad historical reputation. However, the effort put forth by SIP to include a mixing zone was to provide a practical and environmentally safe means for NPDES dischargers to comply with higher standards required by new regulation when there is no other practical alternative. Under SIP, an applicant for a mixing zone is required to meet a set of conditions that in addition to requiring the mixing zone to be as small as practicable, set forth limitations on the discharge to minimize the negative impacts on water quality. A policy on mixing zones can require, in addition to the conditions set forth in SIP, additional measures to protect water quality.

**Comment:** The RWB should consider the option of allowing mixing zones for existing but not new NPDES dischargers.

**Submitted by:** Scott Stegeman

**Response:** We concur. In addition, the allowance of mixing zones for increased discharge flows of existing NPDES Permittees is an option that will need to be addressed during the development of a mixing zone policy.

**Comment:** The RWB should consider if a mixing zone policy would allow the use of a gravel pit to a mixing zone.

**Submitted by:** Scott Stegeman

**Response:** In a recent situation, the Regional Water Board, in studying the use of a gravel pit in conjunction with a wastewater treatment facility, determined that because the gravel pit was adjacent to the Russian River, it was essentially tributary to the Russian River and therefore subject to regulation by an NPDES permit and SIP. The permit set forth a compliance schedule for the discharger to meet the criteria/objectives for the CTR priority pollutants. It would be very difficult to demonstrate that a gravel pit would provide the dilution of a freely draining surface water suitable location for a mixing zone.

**Comment:** A mixing zone policy should not conflict with the State's antidegradation policy.

**Submitted by:** Scott Stegeman

**Response:** Section 1 in SIP requires that water-quality based effluent limitations for Priority Pollutant criteria/objectives must protect beneficial uses and comply with the State and federal antidegradation policies. A mixing zone policy cannot compromise that requirement.

**Comment:** The deterioration of Russian River water quality affects businesses, and in particular tourism. The CEQA document for a mixing zone policy should address the impacts on tourism.

**Submitted by:** Jim Moreska, Russian River Chamber of Commerce  
Victoria Wikle

**Response:** State Water Board regulations describe the environmental documents required for Basin Plan amendments. These documents include an Environmental Checklist Form. This form requires consideration of potential impacts of a proposed basin plan amendment on tourism.

**Comment:** The fate of non-degrading pollutants, such as copper, in mixing zones is a concern. With this concern in mind, the RWB should consider the findings presented in a study entitled "Sublethal Effects of Copper on Coho Salmon: Impacts on Nonoverlapping Receptor Pathways in the Peripheral Olfactory Nervous System", as coho salmon in the Russian River are close to extinction.

**Submitted by:** Brock Dahlman, Occidental Environmental Center and Ecology Institute

**Response:** We concur, and thank you for submitting the article.

**Comment:** Although the use of mixing zones may provide an economic benefit to cities discharging to receiving waters, negative impacts on water quality may result.

**Submitted by:** Brock Dahlman, Occidental Environmental Center and Ecology Institute

**Response:** CEQA requires that whenever a RWB adopts rules that require the installation of pollution control equipment or establish a performance standard or treatment requirement, the board must conduct an environmental analysis of the reasonably foreseeable methods

of compliance. This analysis must take into account a reasonable range of factors, including economics.

SIP included a provision for Regional Water Boards to consider a mixing zone in order to provide a practical and environmentally safe means for NPDES dischargers to comply with higher standards required by new regulation when there is no other practical alternative. Under SIP, an applicant for a mixing zone is required to meet a set of conditions that in addition to requiring the mixing zone to be as small as practicable, set forth limitations on the discharge to minimize the negative impacts on water quality. A policy on mixing zones can require, in addition to the conditions set forth in SIP, additional measures to protect water quality.

**Comment:** Because discharger entities are funding the effort to develop a mixing zone policy, there is a concern that the RWB will not adequately consider the impacts that may result from adoption of such a policy.

**Submitted by:** Brenda Adelman, Russian River Watershed Protection Committee

**Response:** The Letter of Understanding Between Regional Government Services and North Coast Regional Water Quality Control Board dated August 16, 2004 acknowledged that while the Regional Water Board Executive Officer and her staff are willing to accept the assistance of the dischargers funding the planning effort to develop a mixing zone policy proposal, the Regional Water Board Executive Officer retains the final judgment on whether any proposed policy that could arise from such a collaboration will ultimately be recommended to the Regional Water Board as a result of this process, and that the Regional Water Board itself will exercise its own judgment in deciding whether to adopt, amend, or reject any such proposal.

**Comment:** The City of Santa Rosa currently blends effluent with receiving water prior to discharging it in the winter months. A mixing zone policy should address this practice.

**Submitted by:** Brenda Adelman, Russian River Watershed Protection Committee

**Response:** The Basin Plan currently addresses this practice. A recent environmental document for the wastewater plant prepared by the City of Santa Rosa included blending secondary treated water with advanced treated water (AWT) during high flow events as a project alternative. RWB comments on this alternative stated that the Basin Plan requires all discharges to be treated to AWT.

**Comment:** A mixing zone policy should address bioaccumulation.

**Submitted by:** Brenda Adelman, Russian River Watershed Protection Committee

**Response:** We concur.

**Comment:** The Russian River County Sanitation District monitors at a point 300 feet downstream of its discharge. This, essentially, is allowing a mixing zone at the current time.

**Submitted by:** Brenda Adelman, Russian River Watershed Protection Committee

**Response:** The Russian River County Sanitation District is currently operating under a NPDES permit that will expire on November 5, 2008. The permit sets forth a schedule for compliance to SIP and interim requirements. Effluent monitoring is an element for compliance.

**Comment:** Prohibiting or restricting mixing zones would offer the general public a better level of water quality protection against all pollutants including estrogens, pharmaceuticals, and pesticides, not just CTR Priority Pollutants.

**Submitted by:** Brenda Adelman, Russian River Watershed Protection Committee  
Eric Sunswheat  
Chris Peterson

**Response:** The effort put forth by SIP to include a mixing zone was intended to provide a practical and environmentally safe means for NPDES dischargers to comply with higher standards required by new regulation when there is no other practical alternative. Under SIP, an applicant for a mixing zone is required to meet a set of conditions that in addition to requiring the mixing zone to be as small as practicable, set forth limitations on the discharge to minimize the negative impacts on water quality. A policy on mixing zones can require, in addition to the conditions set forth in SIP, additional measures to protect water quality.

**Comment:** The burden of proof for demonstrating the need for a mixing zone should rest with mixing zone applicants, and the RWB should be fully equipped to verify the applicants' conclusions.

**Submitted by:** Kenneth Wikle, President of Russian River Advocates

**Response:** The adoption of SIP in May 2000 resulted in additional responsibilities for RWB staff as well as NPDES permittees. In addition, there will be increased demands on RWB staff to initially review a report of waste discharge that contains an application for a mixing zone. To provide RWB staff with initial guidance, the Project Schedule for the Development of a Draft Proposed Mixing Zone Policy includes the development of a Technical Support Document that will be both consistent with SIP and specific to the implementation of a mixing zone policy in the North Coast Region. SIP states that RWBs may consider allowing mixing zones on a discharger-by-discharger basis. Defining parameters for prohibiting or allowing a mixing zone in a policy will provide guidance for all concerned and impacted interests.

**Comment:** Mixing zones should not be approved unless applicants for a mixing zone can establish that pharmaceutical wastes in effluent do not present a public health hazard.

**Submitted by:** Kenneth Wikle, President of Russian River Advocates

**Response:** None at this time.

**Comment:** Dischargers may not be able to comply with the SIP and/or implement statewide reuse policies without using mixing zones.

**Submitted by:** Dave Smith, Merritt-Smith Consulting

**Response:** None at this time.

**Comment:** Rather than allowing discharge to a mixing zone, efforts should be made to reduce the amount of generated sewage through separate treatment of gray water and water conservation.

**Submitted by:** Victoria Wikle

**Response:** SIP sets forth, as one condition for a mixing zone, that it be as small as practicable. In addition, efforts must be made to reduce wastewater flows and upgrade treatment technologies prior to considering a mixing zone for waste discharge.

**Comment:** Mixing zones may impact: (1) downstream wells and aquifers; (2) health of the river's aquatic life and plant/animal life in its riparian zone; and (3) the invasive weed problem in the river;

**Submitted by:** Victoria Wikle

**Response:** SIP, in Section 1.4.2.2 A. states the following conditions for a mixing zone.

“A mixing zone shall not:

- (1) compromise the integrity of the entire water body;
- (2) cause acutely toxic conditions to aquatic life passing through the mixing zone;
- (3) restrict the passage of aquatic life;
- (4) adversely impact biologically sensitive or critical habitats, including, but not limited to, habitat of species listed under federal or State endangered species laws;
- (5) produce undesirable or nuisance aquatic life;
- (6) result in floating debris, oil, or scum;
- (7) produce objectionable color odor, taste, or turbidity;
- (8) cause objectionable bottom deposits;
- (9) cause nuisance;
- (10) dominate the receiving water body or overlap a mixing zone from different outfalls ; or
- (11) be allowed at or near any drinking water intake.